

REMARKS/ARGUMENTS

A. Summary of the Amendments

The present application still contains sixty (60) claims, numbered 1-57 and 61-63.

B. Allowable Subject Matter

The Applicant gratefully acknowledges allowance of claims 61-63.

The Applicant also gratefully acknowledges the Examiner's assessment that claims 4, 8, 21 and 25 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in light of the remarks provided herein, the independent claims from which they depend are believed to be in allowable. As such, the Applicant has not rewritten claims 4, 8, 21 and 25 in independent form.

C. Summary of Claim Rejections under 35 USC 103(a) and Reply

On page 3 of the Office Action, the Examiner has rejected claims 1-3, 5-7, 9-20, 22-24, 26-29 and 31-56 under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication no. 2005/0002525 (hereafter referred to as Alkove et al.) in view of U.S. Patent no. 7,149,359 (hereafter to be referred to as Omoigui).

For the reasons presented below, the Applicant respectfully disagrees with the Examiner and submits that claims 1-3, 5-7, 9-20, 22-24, 26-29 and 31-56 are allowable in their current form.

Claim 1

For ease of reference, independent claim 1 has been reproduced herein below.

A method of processing data carried on a media path between a first network element and a second network element, comprising:

- receiving a stream of composite packets from the first network element, each composite packet carrying media information and auxiliary information pertaining to the composite packet;
- **generating, on a basis of the media information and the auxiliary information carried in the composite packets, an output media stream free of the auxiliary information carried in the composite packets;**
- releasing the output media stream towards the second network element.

The Applicant respectfully submits that the cited references, whether taken severally or in combination do not teach or suggest all of the above-emphasized elements of independent claim 1.

Alkove et al.

Alkove et al. pertains to a particular method of formatting the payload of an RTP packet. Specifically, audiovisual data in a streaming format such as the Advanced Streaming Format (ASF) is organized into RTP packets for sending over a network. The audiovisual data in ASF format is organized into ASF packets, which must be encapsulated into RTP packets. The RTP packet comprises a header comprising information on the contents of the packet (¶[0028], ¶[0029]) and a packet format header (PF header) for each payload, containing information relating to the corresponding payload (¶[0027], ¶[0044]). If the ASF packets are larger than the intended size of the RTP packets, they may be divided among many RTP packets (Fig. 1; ¶[0022]; ¶[0055]). Alternatively, if the ASF packets are smaller than the RTP packet size, multiple ASF packets may be encapsulated within a single RTP packet (Fig 2; ¶[0055]). In this latter case, the payloads of multiple ASF packets can each be contained in an RTP packet as a separate payload each with a respective PF header. (Fig. 2, Alternative A; ¶[0025]). Alternatively, the payload of multiple ASF packets may be assembled contiguously as a single payload in an RTP packet (Fig. 2, Alternative B; ¶[0026]). RTP packets created are sent to a receiver (Fig. 5, ¶[0056]), where the ASF packets are entirely reconstructed from the RTP packets (Fig. 5, ¶[0057], ¶[0027]).

Alkove et al. fails to teach “generating, on a basis of the media information and the auxiliary information carried in the composite packets, an output media stream free of the auxiliary information carried in the composite packets”. In Alkove et al., RTP packets are generated on the basis of ASF packets. While the RTP headers and PF subheaders may contain information relating to the payload, Alkove et al. is generally silent on the contents of the ASF packet headers and payload headers. Nowhere does Alkove et al. disclose that an ASF packet comprises auxiliary information pertaining to a composite packet. However, if such information is present in the ASF packets, it is necessarily also present, in some form or another, in the RTP packets created on the basis of the ASF packets since the ASF packets can be entirely reconstructed from the RTP packets (Fig. 5, ¶[0057], ¶[0027]). Indeed, it is not the goal in Alkove et al. to truncate or otherwise remove any information contained in ASF packets, but rather to repackage them (¶[0018]). As such, the output stream of RTP packets cannot be free of information contained in the ASF packet. That Applicant also notes that the output stream of RTP packets in Alkove et al. is far from being free of auxiliary information but comprises metadata that is “rich in information that is descriptive of the payload” (¶[0017]). It is therefore respectfully submitted that the above-emphasized elements of claim 1 are completely absent from Alkove et al.

Omoigui

Omoigui discloses a system for simultaneously streaming multiple media streams, each having its own timeline. In order to synchronize playback at the receiving, each data unit (e.g. video frame or sound sample) is associated with a delivery time and a presentation time. These values are both set relative to an arbitrary start time and represent respectively when the data unit should be delivered to a client and when it should be rendered by the client. Using the delivery times, a server manages the streaming such that the multiple media streams can be rendered synchronically by the client. The server can also stream the media starting from indexed points in the timeline. These indexes are stored and generated by the server (col. 8, lines 18-27). A user at a client wanting to search through the media streams submits a search request with a search criterion (col. 9, lines 42-54). Upon receiving such a search request the

server identifies a corresponding index and begins streaming the media from the corresponding temporal location (col. 10, lines 47-61).

As set forth in the December 2, 2008 response to the Office Action dated July 3, 2008, Omoigui does not teach “generating, on a basis of the media information and the auxiliary information carried in the composite packets, an output media stream free of the auxiliary information carried in the composite packets”.

Since the since the above-emphasized elements of independent claim 1 are completely absent from the cited prior art, the difference between the prior art and the independent claim 1 must comprise these elements. In light of the absence of any teachings towards these elements in the prior art, it is submitted that the differences between the cited prior art and the claimed invention are such that they would not have been obvious to a person of ordinary skill in the art. As such, it is respectfully submitted that the subject matter of independent claim 1 is nonobvious over the cited prior art and withdrawal of the Examiner’s rejection of these claims under 35 USC 103(a) is respectfully requested.

Claims 2-3, 5-7 and 9-16

Each of claims 2-3, 5-7 and 9-16 depends from claim 1 and as such incorporates by reference all the elements contained therein. Therefore, for the same reasons as those presented above in support of claim 1, it is respectfully submitted that these claims are nonobvious over Alkove et al. and Omoigui and withdrawal of the Examiner’s rejection of these claims under 35 USC 103(a) is respectfully requested.

Claims 17 and 18

Claims 17 and 18 include language similar to that of claim 1 and are therefore patentable over Alkove et al. and Omoigui for the same reasons as those presented above in support of claim 1. In particular, since it has been shown that not all elements of claim 1 taught by the cited prior art, and that the differences between the cited prior art and the claimed invention are such that claimed subject matter would

not have been obvious to a person of ordinary skill in the art, it is respectfully submitted the subject matter of claims 17 and 18 is nonobvious over the cited prior art. Withdrawal of the Examiner's rejection of claims 17 and 18 under 35 USC 103(a) is respectfully requested.

Claim 19-29

Each of claims 19-29 depends from claim 18 and as such incorporates by reference all the elements contained therein. Therefore, for the same reasons as those presented above in support of claim 18, it is respectfully submitted that these claims are nonobvious over Alkove et al. and Omoigui and withdrawal of the Examiner's rejection of these claims under 35 USC 103(a) is respectfully requested.

Claim 31

For ease of reference, independent claim 31 has been reproduced herein below.

A method of processing data carried on a media path between a first network element and a second network element, comprising:

- receiving a stream of packets from the first network element, each received packet carrying media information;
- **deriving from the media information carried in each received packet auxiliary information pertaining to the received packet;**
- generating a stream of composite packets, **each said composite packet being produced from the media information carried in a respective received packet and the auxiliary information** pertaining to the respective received packet;
- releasing the stream of composite packets towards the second network element.

The Applicant respectfully submits that the cited references, whether taken severally or in combination do not teach or suggest all of the above-emphasized elements of independent claim 31.

Alkove et al.

Alkove et al. fails to teach “deriving from the media information carried in each received packet auxiliary information pertaining to the received packet” and “each said composite packet being produced from the media information carried in a respective received packet and the auxiliary information”. Firstly, Alkove et al. does not describe deriving of auxiliary information. In paragraphs [0028]-[0045], the meaning of the various fields in the RTP packet headers and RTP PF subheaders are described in detail. However, Alkove et al is generally silent on the generation or derivation of the specific data to be contained in the fields. Alkove et al does not describe *deriving auxiliary information*, and furthermore does not describe deriving auxiliary information *from media information*. Indeed in Alkove et al., the media data is generally not examined until it is rendered (or “played”) at a client, and it is particularly not examined for the purposes of deriving auxiliary information. Moreover, since auxiliary information is not derived from media information in Alkove et al., it follows that packets are not produced by auxiliary information so derived. As such, it is respectfully submitted that the above-emphasized elements of claim 31 are completely absent from Alkove et al.

Omoigui

Omoigui fails to teach “deriving from the media information carried in each received packet auxiliary information pertaining to the received packet” and “each said composite packet being produced from the media information carried in a respective received packet and the auxiliary information”. In Omoigui, a server retrieves media data to stream to a client from a storage where it is stored in a suitable format such as in ASF format (col. 8, lines 7-17). Alternatively, the server retrieves the data from an online stream. The data is then streamed to a client. The server manages the streaming based on timing considerations described above. Nowhere does Omoigui describe deriving auxiliary information from the media information in the retrieved packets. Where Omoigui describes the generation of indexes (col. 8, line 18 – col. 9, line 41) these are merely temporal reference markers that stand alone in their function as place holders, and are not used to produce composite media packets.

In the Office Action, the Examiner appears to be of the view that “managing the streaming of composite media streams to clients based on the delivery times of data

units” (as described above) is equivalent to deriving auxiliary information from media information carried in each received packet. It is respectfully submitted that the Examiner is mistaken in this respect. Managing the streaming of composite media such that these can be rendered in synchronicity has nothing to do with deriving of auxiliary information. The mere presence of delivery time information is not indicative of a derivation of auxiliary information from media information carried in packets. Rather, Omoigui merely attempts to stream various media streams to a client in such a manner that they will have proper mutual timing based on known timing values.

In light of the foregoing it is respectfully submitted that the above-emphasized elements of claim 31 are completely absent from Omoigui.

Since the since the above-emphasized elements of independent claim 31 is completely absent from the cited prior art, the difference between the prior art and the independent claim 31 must comprise these elements. In light of the absence of any teachings towards these elements in the prior art, it is submitted that the differences between the cited prior art and the claimed invention are such that they would not have been obvious to a person of ordinary skill in the art. As such, it is respectfully submitted that the subject matter of independent claim 31 is nonobvious over the cited prior art and withdrawal of the Examiner’s rejection of these claims under 35 USC 103(a) is respectfully requested.

Claim 32-46

Each of claims 32-46 depends from claim 31 and as such incorporates by reference all the elements contained therein. Therefore, for the same reasons as those presented above in support of claim 31, it is respectfully submitted that these claims are nonobvious over Alkove et al. and Omoigui and withdrawal of the Examiner’s rejection of these claims under 35 USC 103(a) is respectfully requested.

Claims 47 and 48

Claims 47 and 48 include language similar to that of claim 31 and are therefore patentable over Alkove et al. and Omoigui for the same reasons as those presented above in support of claim 31. In particular, since it has been shown that not all elements of claim 31 taught by the cited prior art, and that the differences between the cited prior art and the claimed invention are such that the claimed subject matter would not have been obvious to a person of ordinary skill in the art, it is respectfully submitted the subject matter of claims 47 and 48 is nonobvious over the cited prior art. Withdrawal of the Examiner's rejection of claims 47 and 48 under 35 USC 103(a) is respectfully requested.

Claim 49-56

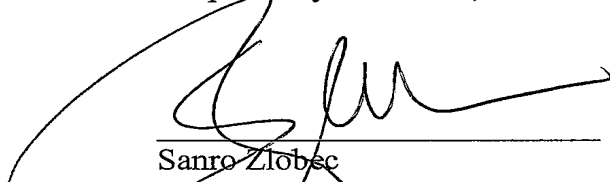
Each of claims 49-56 depends from claim 48 and as such incorporates by reference all the elements contained therein. Therefore, for the same reasons as those presented above in support of claim 48, it is respectfully submitted that these claims are nonobvious over Alkove et al. and Omoigui and withdrawal of the Examiner's rejection of these claims under 35 USC 103(a) is respectfully requested.

CONCLUSION

In view of the above, it is respectfully submitted that claims 1-29, 31-56 and 61-63 are in condition for allowance. It is also respectfully submitted that non-elected claims 30 and 57 are in condition for allowance and should be included among the examined claims. Reconsideration of the rejections and objections is requested. Allowance of claims 1-29, 31-56 and 61-63, together with an indication of potential allowability of non-elected claims 30 and 57, is respectfully solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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